

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

KIRSTEN BRITTLE,

Plaintiff,

– *against* –

NETAMORPHOSIS, LLC and LYDE SPANN, *an individual*,

Defendants.

ORDER

20 Civ. 3880 (ER)

RAMOS, D.J.

Plaintiff brought this action on May 19, 2020 for violations of the Fair Labor Standards Act (“FLSA”) and the New York Labor Law. Doc. 1. On June 17, 2020, the Court granted the parties’ application to stay the case pending arbitration. Doc. 8. On January 4, 2021, the parties filed a joint stipulation of dismissal, seeking to dismiss this case with prejudice. Doc. 9.

In this Circuit, parties cannot privately settle FLSA claims with prejudice absent the approval of the district court or the Department of Labor. *Cheeks v. Freeport Pancake House, Inc.*, 796 F.3d 199, 200 (2d Cir. 2015). Because the parties in the instant suit have not received such approval, the case may not yet be dismissed. *See id.* Accordingly, the parties are directed to submit their proposed settlement agreement to the Court by January 19, 2021.

Dated: January 4, 2021
New York, New York



EDGARDO RAMOS, U.S.D.J.